Supreme Court, U.S.
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No. 06-

In the
Supreme Court of the United States

IN THE MATTER OF:
GEORGE CLIVE HOOK,
ATTORNEY-PETITIONER
NO. 1236432
VS.
MARY ROBINSON,
ADMINISTRATOR,
ILLINOIS ATTORNEY REGISTRATION
AND DISCIPLINARY COMMISSION

On Petition for Writ of Certiorari
To the
SUPREME COURT OF ILLINOIS
M.R. 21025

Having Denied Leave to File Exceptions
To the Report and Recommendation of
Disbarment by the Review Board
98 CH 50
and Disbarment.

George Clive Hook
Pro Se
Member of the Supreme Court Bar
1201 Deerfield Parkway
Buffalo Grove, Illinois 60089
(847) 947-7975

QUESTIONS PRESENTED

Whether the application of Illinois Supreme Court Rule 761 violated the due process, equal protection and bill of attainder prohibitions of the United States Constitution.

Whether requiring an innocent person to show remorse prerequisite to relief from discipline is a cruel and unusual burden on innocence in violation of the prohibition against cruel and unusual punishment prohibition of the United States Constitution.

Whether a federal conviction which does not meet established State standards for full and fair hearing can be conclusive against an attorney in disciplinary proceedings when it cannot as a matter of state law be conclusive in any other type of proceeding or to any other category of person.

Whether predicating reinstatement of license on the full payment of an unlawfully ever increasing unlawfully imposed restitution is beyond the scope of State authority, a violation of due process, and cruel and unusual punishment

LIST OF PARTIES

The Parties to this proceeding are George Clive Hook, the Attorney-Petitioner (hereinafter "Hook"), and the State of Illinois in its judicial identity as the Illinois Supreme Court, acting through Mary Robinson, Administrator of the Illinois Attorney Registration and Disciplinary Commission, (hereinafter, respectively, "Illinois," "Illinois Supreme Court," "Robinson," or "Administrator," "IARDC," and collectively "Illinois Discipliners"). Accordingly, pursuant to Supreme Court Rule 17, Illinois Governor Rod Blagojevich and Illinois Attorney General Lisa Madigan are being served as well as the Administrator and the Clerk of the Illinois Supreme Court.

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PETITION FOR A WRIT OF CERTIORARI

George Clive Hook respectfully petitions for issuance of a Writ of Certiorari to review the Order of the Illinois Supreme Court of September 21, 2006 denying him leave to file exceptions in the Illinois Supreme Court to the recommendation of the IARDC Review Board and disbarring Hook as recommended by the Review Board (herein the "Disbarment Decision"). Since the Illinois Supreme Court gave no reasons for their decision, presumably, the reasons of the IARDC Review Board were adopted *sub silentio* therefor. The reasons underpinning the Review Board's recommendation were (1) that Hook was convicted in a federal criminal proceeding of conversion of pension fund assets to the use of the employer, and wire fraud and money laundering relating thereto, such conviction being preclusive by application of Illinois Supreme Court Rule 761, and (2) that by demonstrating that said federal conviction was not full and fair, as required for preclusion in all other Illinois proceedings by *American Family Mutual Insurance Company v. Savickas*, 193 Ill.2d 378 (2000), and by protesting his innocence of any crimes involving moral turpitude or otherwise, Hook failed to show remorse, thus disqualifying him from the practicing law as a licensed Illinois lawyer.

This violates Hook's rights to equal protection, due process and freedom from bills of attainder under the United States Constitution.

OPINIONS BELOW

On July 26, 2005, the Hearing Board of the IARDC recommended a sanction of disbarment. Upon timely ap-

peal to the Review Board of the IARDC, the Review Board recommended a sanction of disbarment on May 16, 2006. Upon timely petition to the Illinois Supreme Court for leave to file exceptions to the recommendation of the Review, on September 21, 2006, the Illinois Supreme Court denied the petition to file exceptions and entered their order of disbarment (the "Disbarment Decision").

JURISDICTION

The Supreme Court has jurisdiction pursuant to Article III of the United States Constitution and 28 USC 1257(a) as a result of the final decision of the Illinois Supreme Court of September 21, 2006 to disbar Hook from the practice of law based on criteria and proceedings violating Hook's constitutional rights to due process, equal protection, and against bills of attainder and cruel and unusual punishment.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Constitutional and Statutory provisions involved herein are Article I, § 10, Cl. 1, Article III, § 1, Article III, § 2, Cl. 1, Article III, § 2, Cl. 2, Article IV, § 2, the 5th Amendment, the 6th Amendment, the 8th Amendment, the 14th Amendment, § 1, of the United States Constitution, 28 USC 1257(a), Illinois Supreme Court Rule 19 (Notice of Claim of Unconstitutionality as in effect at the relevant time), Illinois Supreme Court Rule 761(b)(Conviction of Crime Involving Moral Turpitude), Illinois Supreme Court Rule 761(d) (Hearing), Illinois Supreme Court Rule 761(f) (Proof of Conviction), Illinois Supreme Court Rule

770 (Types of Discipline). As these provisions are lengthy, they have been cited here and set forth in full in the Appendix instead of here as permitted by Supreme Court Rule 14(f).

STATEMENT OF THE CASE[1]

The present case was commenced as *In the Matter of George Clive Hook*, 98 CH 50, before the Illinois Attorney Registration and Disciplinary Commission, a result of Hook's federal conviction for violation of 18 USC 664, 18 USC 1343 and 18 USC 1956 in *U.S. v. Viana and Hook*, 95 CR 10010 (CD Ill.), 195 F.3d 299 (7th Cir. 1999), cert. den. 529 US 1082 (2000), as required by Illinois Supreme Court Rules 761(b), which requires the Administrator to petition for immediate suspension of a convicted attorney and suspension until further order of the Court, and 761(d) which requires a hearing thereafter to determine whether the crime warrants discipline, and, if so, the extent thereof.

So on June 17, 1998, a one count complaint was filed by the Administrator before the IARDC against Hook based on the aforesaid federal conviction. Proceeding was stayed pending appeal, resuming July 25, 2000, after the US Supreme Court's denied Hook's petition for reconsideration of his petition for writ of certiorari on June 5, 2000. Hook filed his answer, affirmative defenses and third party complaints against 7th Circuit Judge Kanne, Central District Judge Mihm and AUSA Prosecutor Bradley Murphy.

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[1] In general, derived from the Common Law Recorded [hereinafter "CLR"], pp.117-124, 440-449; Hook's Exhibits [hereinafter "RX"] 47, pp.9-26; ARDC Report of Proceedings [hereinafter "ROP"], pp.571-590, 593-599, 786-848, 865-892, 998-1025, 1031-1048, 1050-1086, 1205-1269, 1274-1332 to be provided upon request of the Court.

Hook also filed motions to preclude the federal conviction and to permit argument and evidence that *U.S. v. Hook*, the federal case, was not a full and fair hearing as required for it to have estoppel effect in the IARDC proceeding. After extensive briefing, the third party complaints and much of the answer and affirmative defenses were stricken, and Hook's motions denied, on the basis that challenge to the federal conviction on the ground that it was not full and fair was not cognizable in the proceedings, despite *Savickas*' contrary command that determining a conviction's trustworthiness was predicate to giving it conclusivity in subsequent proceedings and despite the Illinois Supreme Court's interpretation of its Rule 761(d) that the underlying conduct, not the conviction, determines whether and what discipline should be meted. Indeed, the Administrator's *in limine* motion to bar witness testimony regarding these issues was granted so that Hook could not present any of the evidence that he had detailed in his motions, stricken answers, affirmative defenses and third party complaints except obliquely as an offer of proof and mitigation.

The Administrator's case in chief against Hook consisted of the federal conviction and one witness, Robert Schnitz, who testified that Hook had caused damage to their law firm and had been less than forthcoming with the other partners by misrepresenting that Viana was the trustee instead of Harris Bank Glencoe Northbrook ("HBGN"). Actually, however, both Viana and HBGN were trustees, but Viana was the trustee responsible for making the decisions as to plan administration and investments, which Hook established on cross-examination of Schnitz, as well as by testimony and documents presented by Hook in his case in chief, wherein Schnitz's ignorance of any details of Hook's representation of Wittek was exposed. Also ex-

posed was Schnitz's bias against Hook emanating from Hook defending women in their firm against Schnitz's chauvinism which had resulted in their harassment and mistreatment. Any "damage" to the firm was a result of the firm failing to defend Hook and itself against false claims by the Pension Benefit Guaranty Corporation ("PBGC").

In summary, Hook proffered the following to show that his "actual conduct" was innocent, exemplary, not deserving of sanction, especially disbarment, since his license to practice had already been suspended since 11/19/99, albeit relegated to being an "offer of proof" and "mitigation" because the Hearing Board Chairman disallowed Hook's defense that Hook's federal conviction could not be the basis for discipline as that would be contrary to Illinois Supreme Court Rule 761(d) as interpreted by the Illinois Supreme Court and that *U.S. v. Hook*, the case out of which Hook's conviction came, was not "full and fair" at any level, as required by *Savickas* before it could be deemed conclusive under Illinois Supreme Court Rule 761(f).

In their initial meeting, Viana told Hook that she believed a pension plan for which she became responsible (the "6141 Plan") when she bought Wittek Industries, Inc. was underfunded. Also, Wittek needed immediate working capital, its ability to finance short term having been substantially diminished by a smear campaign launched by disgruntled key employees as an adjunct to their attempt to throw Wittek into bankruptcy and thereby wrest control from Viana, and Wittek lost a pending multi-million dollar loan commitment and was left with factoring financing and a $500,000 loan they caused to be called prematurely. Viana's proposed solution was to sell one of Wittek's properties to the 6141 Plan. Not a pension plan expert, Hook suggested they confer with one, Boutwell, who said such a

sale would be a "prohibited transaction," a misnomer merely meaning a transaction subject to excise tax in some situations. Boutwell advised Viana that excise tax risk could be minimized and her same goals of curing the underfunding and obtaining immediate working capital for Wittek accomplished using a real estate operation company created in accordance with the Department of Labor's "plan asset regulations" [DOL Regulation §25.3-101 et seq.]. Boutwell envisioned the Wittek property Viana selected for sale to the 6141 Plan being sold instead to the real estate operation company in which the 6141 Plan would have a 51% interest and Viana 49% to comply with the "plan asset regulations." So a real estate operation company ("ERISA EXEMPT CO") was incorporated in North Carolina and Wittek's 8.66 acre plant and plot in Pineville, North Carolina conveyed to it (as it had an appraised value of $1,500,000, the highest current value among Wittek's three properties, and the greatest potential for substantial appreciation by the first anniversary of ERISA EXEMPT CO'S acquisition as projected). ERISA EXEMPT CO paid Wittek by delivering its variable subordinated note. What Boutwell's structuring accomplished was that "plan assets" to which the "prohibited transaction" provisions would apply--(1) the 6141 Plan's 51% equity interest in ERISA EXEMPT CO, (2) the note evidencing its loan to ERISA EXEMPT CO and (3) the deed in trust securing that loan--were eliminated from the transaction, leaving only the "underlying assets,"--(4) the real estate acquired by ERISA EXEMPT CO from Wittek, (5) the loan proceeds of the loan from the 6141 Plan to ERISA EXEMPT CO and (6) the note received from Wittek for the loan received by it from ERISA EXEMPT CO--which could be used by ERISA EXEMPT CO without the restrictions of the "plan as-

set regulations," including its "prohibited transaction" provisions. This permitted ERISA EXEMPT CO to borrow approximately $700,000 from the 6141 Plan secured by Pineville without violation of the "prohibited transaction" provisions of ERISA.

Various funding scenarios were reviewed in arriving at the initial specifics of the Boutwellian Structure, concluding that arrangements for the 6141 Plan should be unalterable, but that adjustments could be made as to ERISA EXEMPT CO and Wittek as necessary to cure the 6141 Plan under funding and improve its investment yield. [Rx 28A] After sale of Pineville, contemplated within a year, the pension plan would receive loan principal, interest and 51% of Pineville's appreciation upon liquidation of ERISA EXEMPT CO.

Plan funds would not be going to Wittek pursuant to the Boutwellian Structure and none did, with one inadvertent exception of $36,800. Instead of delivering a check for $510 to be written from the short term fund maintained by Detroit Bank which still had custody of the 6141 Plan assets to purchase the 6141 Plan's 51% of the common shares in ERISA EXEMPT CO, the entire short term fund was liquidated by the Bank and the whole $36,800 was transferred to Hook's Client Trust Account. That amount was immediately transferred out pursuant to instruction from Viana, who was 6141 Plan Trustee and Wittek CEO, returning the funds to a terminated custodian making no sense, especially one having difficulty identifying and transferring plan assets to its successor. Thereupon Detroit Bank stated that it was the trustee and in that capacity would not permit the Boutwellian Structure to be implemented because it was a "prohibited transaction." As a loan directly from the 6141 Plan to Wittek, the $36,800

would have been a transfer of "plan assets" to Wittek. However, the amount was well within the approximate $100,000 amount exempted by 29 USC 1107 as an exception to the *prohibited transaction* provisions of ERISA, and not a prohibited transaction therefor. Furthermore, that amount was recast immediately as a part of the loan from the 6141 Plan to ERISA EXEMPT CO, as originally contemplated, and as a part of the loan from ERISA EXEMPT CO to Wittek, as originally contemplated, so that the funds having gone to Wittek prematurely became a part of the Boutwellian Structure and not a prohibited transaction on that basis as well. [This transaction was the basis for the federal charge that Hook and Viana had converted pension plan assets to the use of the employer in violation of 18 USC 664, despite Wittek not being an "employer" as defined under ERISA because all employment of participants had terminated upon the closing of the Pineville plant before Viana's purchase of Wittek about 18 months before.]

6141 Plan information was sought from the asset custodian in course of developing the Boutwellian Structure, but Detroit Bank could not find any trust documentation. Boutwell was aghast. Detroit Bank asserted it was the trustee and disclosed that funds were insufficient for the contemplated loan from the 6141 Plan to ERISA EXEMPT CO because of an imminent annuitization requiring utilization of 6141 Plan assets in that approximate amount. Viana, the only one who could, had not authorized any annuitization. That annuitization was stopped. Another involving $250,000 had already occurred, engineered by a disgruntled Wittek employee in collusion with an insurance agent he had wheedled into position and a Detroit Bank officer, who "retired" thereupon. Examination of old fiduciary policies identified former Wittek employees as the trus-

tees. Boutwell prepared a trust agreement designating Viana in their place.

Detroit Bank would not transfer additional plan assets to the successor custodian, insisting that it would transfer only to a bank trustee. HBGN agreed to acquire the assets in a trust capacity and appropriate papers were prepared making them a trustee. After these were mailed to Detroit Bank, it began transfer of the additional assets to HBGN, including the funds necessary to implement the Boutwellian Structure. HBGN's letter confirming acceptance of the 6141 Plan trusteeship faxed simultaneously to Detroit Bank and its attorney constituted the basis for Counts 2 and 3, respectively, wire fraud under 18 USC 1343, alleged in the Superseding Indictment. [CLR, pp. 42-44] on the false ground that HBGN did not have trust powers. The wire transfers from ERISA EXEMPT CO's account at HBGN to Wittek's bank accounts, funding the ERISA EXEMPT loan from ERISA EXEMPT CO to Wittek, were the bases for money laundering, Counts 5, 6, and 7 of the Superseding Indictment, predicated on there being concealments of the Counts 2 and 3 alleged wire fraud aforesaid, of which Hook was convicted despite there being no misrepresentations and despite there having been no concealment, as the wire transfer information passed through the Federal Reserve and the respective banks, as in any other typical wire transaction. The transaction was disclosed to Nicholas Hindman, the pension plan auditor, who disclosed it in Form 5500's filed contemporaneously with the Federal Government as subsequent event footnotes to the 1990 and 1991 forms that Viana authorized to take advantage of the 1992 amnesty for late pension form filings. The transactions were also disclosed in Wittek's financials

which were distributed to numerous potential financing sources. [ROP 897-963]

On 5/27/98, U.S. District Court Judge Michael M. Mihm imposed a sentence of seven years incarceration, three years supervised release thereafter, fine of $50 for each of the seven counts (instead of that amount for all as the statute provides) and restitution payable to PBGC, based upon a statute which took effect in 1996, well after the felonies allegedly committed in the summer of 1992, specifically "unlawful conversion" [actually a lawful secured loan] of "pension plan assets" [rather "underlying assets" not subject to ERISA investment restrictions per DOL Reg. §2510.3-101] to the use of an "employer" [actually a "former employer," hence neither a "prohibited" person nor transaction] violating 18 USC 664 [but missing the critical offense and jurisdiction element, i.e., that the plan be subject to any provision ERISA "title I," a "terminated plan" not being subject to any such provision], and related wire fraud [sending the trustee's directions to the terminated plan custodian]violating 18 USC 1343 [except there was no fraud, deception, or scheme therefor]and related money laundering [depositing loan proceeds via federal wire from lender's bank to borrower's banks] violating 18 USC 1956 [except there was no predicate unlawful act and no concealment].

Judge Mihm denied Hook's challenges to the prosecution; prevented Hook from presenting his defense to the jury by precluding him from presenting evidence to the jury that the critical elements of the charges were missing: Title 1 ERISA status as required under 18 USC 664, including testimony of Hook's pension plan expert to that effect contrary to precedent, including two Supreme Court cases, *Daubert v Merrill Dow*, 509 US 579 (1993) and

Kumho Tire v. Carmichael, 526 US 157 (1999), Hook's cross-examination of the prosecution's expert as to those critical issues, thereby denying his 6th Amendment right of confrontation, *Delaware v. Van Arsdale*, 475 US 673,678 (1986), *Delaware v. Fensterer*, 474 US 15, 19-20 (1985), *Ohio v. Roberts*, 448 US 56, 64 (1980), *Davis v. Alaska*, 415 US 308, 315-16 (1974), *Chambers v. Mississippi*, 410 US 284, 294-95 (1973), *Douglas v. Alabama*, 380 US 415, 418 (1965), *In re Oliver*, 333 US 257, 273 (1948), *Mattox v. U.S.*, 156 US 237, 242-43 (1895), and Hook's introduction of the federal Court Decree that the 6141 Plan had terminated by 2/13/91 and the federal government's judicial admission thereof, also constituting judicial estoppel [RX 23], so that the "prohibited transaction" provisions were inapplicable at the time of Hook's involvement. Judge Mihm also severely curtailed Hook's presentation to the jury of evidence that Viana and Hook had acted lawfully, without criminal intent. He also excluded evidence of their extraordinary efforts to protect and preserve the investment of the 6141 Plan, including their multi-year battle in the North Carolina State and federal courts to preserve the priority of the 6141 Plan loan security over ersatz litigation liens of former executives and key employees of EC Manufacturing. Hook was denied *res judicata*, judicial estoppel and collateral estoppel effect of *PBGC v. Wittek*, which should have precluded his prosecution and prevented the government from contradicting facts which would have required acquittal, such as the termination date of the 6141 Plan, the status of the plan at the relevant time as a Title IV plan rather than a Title I plan, the status of the "participants" in the 6141 Plan as "former employees," the status of current Wittek Industries' employees as non-participants in the 6141 Plan, the absence of a "prohibited transaction" under

Title I of ERISA as required to establish an "unlawful act" for purposes of the offenses with which Hook was charged.

This egregious unfairness extended into the appeal, which was not full and fair either. The 7th Circuit Court of Appeals contorted and perverted well established estoppel, expert testimony and waiver doctrines and ignored Judge Mihm's structural constitutional errors to affirm the conviction. Hook was denied his rights of appeal by virtue of Judge Kanne's ersatz misapplication of waiver doctrine, his ignorance of Supreme Court and 7th Circuit precedent which mandated the exact opposite of his ruling with respect to waiver and estoppel effect, summarized for the Illinois Discipliners in Hook's Motions in Limine to Preclude Use of Federal Conviction, CLR, pp. 900-30.

REASONS FOR GRANTING THE WRIT

The Disbarment Decision of the Illinois Supreme Court violates the due process, equal protection and bill of attainder provisions of the United States Constitution [Article XIV, § 1, and Article I, § 10, Cl. 2] because it is based on a federal conviction made conclusive per Illinois Supreme Court Rule 761(f) without that federal conviction having met the pre-requisites for conclusivity established by *American Family Mutual Insurance Company v. Savickas*, 193 Ill.2d 378 (2000). Disallowing application of *Savickas* to Hook is impermissible, as the aforesaid constitutional protections are equally applicable to attorneys as to others, even in the context of disbarment proceedings. *Spevack v. Klein*, 385 U.S. 511 (1967). The Disbarment Decision violates the cruel and unusual punishment prohibition of the 8th Amendment as well because it compels an innocent having to show remorse to avoid sanction.

Heightened scrutiny overlays *Savickas* analysis when estoppel is used offensively. *Kessinger v. Grefco, Inc.*, 173 Ill.2d 447, 461 (1996). How ironic that Hook was unsuccessful[2] in his defensive use of *PBGC v.* Wittek to judicially estop the federal conviction which is used offensively against him.

The Disbarment Decision also violates those constitutional prohibitions because it is contrary to all Illinois Supreme Court cases theretofore commanding sanction based solely on that actual conduct of the subject attorney which demonstrates a need to safeguard the public and to protect the integrity of the legal profession. *In re Rolley*, 121 Ill.2d 222(1988), *In re Ciardelli*, 118 Ill.2d 233 (1987), *In re Goldstein*, 103 Ill.2d 123 (1984), *In re Crisel*, 101 Ill.2d 332 (1984), *In re Scott*, 98 Ill.2d 9 (1983), *In re Callas*, 82 Ill.2d 6 (1980), *In re Wigoda*, 77 Ill.2d 154 (1979), *In re Levin*, 77 Ill.2d 205 (1979), and *In re Crane*, 23 Ill.2d 398 (1961); compare Illinois Supreme Court Rule 761(b), which makes conviction as the basis for being brought before the IARDC, with Illinois Supreme Court Rule 761(d), which provides for hearing to determine if discipline is warranted. Hook's actual conduct, innocent, exemplary, occurring more than 13 years ago, in the best traditions of the legal profession and the best interests of his clients to protect them and the situation from others' unlawful encroachments, his sterling reputation surviving unsullied, uncontradicted in the IARDC proceedings, does not show a

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[2] According to the 7th Circuit, because *PBGC v. Wittek* was in the nature of an administrative decision as to which judicial estoppel would not apply, thus making *U.S. v. Hook* the only case so holding and contrary to numerous 7th Circuit cases, for example *DiGuiseppe v. Bellwood*, 68 F.3d 187 (7th Cir. 1995, as well as *Nevada v. U.S.*, 463 US 110, 138-9 (1983).

need to safeguard the public or to protect the integrity of the legal profession and therefore does not deserve sanction. Nor was there any testimony showing any such needs. All testimony was to the contrary. All the testimony was that Hook is worthy to resume the practice of law. It came from a wide variety of persons who have known him in many capacities over many years. On such a record, disbarment violates the due process and equal protection clause of the 14th Amendment. *Schware v. Board of Bar Examiners of New Mexico*, 353 US 232 (1957).

The Disbarment Decision also violates those constitutional prohibitions because it is totally disproportionate to sanctions heretofore meted by the Illinois Supreme Court for the conduct set forth in Hook's Superseding Indictment, which, although not Hook's actual conduct, is the conduct upon which the Disbarment Decision is based. For a "fraudulent scheme," suspension is typical. *In re Chandler*, 161 Ill.2d 459 (1994); *In re Williams*, 111 Ill.2d 105 (1986); *In re Sherre*, 68 Ill.2d 56 (1977); *In re Grossgold*, 58 Ill.2d 9 (1974); *In re Alschuler*, 38 Ill. 492 (1944). Hook has been suspended from practicing law for more than six years, which is at least two to three times the period imposed heretofore by the Illinois Supreme Court for like conduct. Disbarment has been reserved for conduct which the Illinois Supreme Court regards as "extraordinarily egregious," usually in breach of the attorney-client relationship. *In re Bell*, 147 Ill.2d 15 (1992); *In re Vavrik*, 117 Ill.2d 408 (1987); *In re Braner*, 115 Ill.2d 384 (1987).

The Disbarment Decision includes a provision for continuous payment of the unlawfully ever increasing unlawfully imposed restitution that constitutes the only remaining part of Hook's sentence, which will forever bar Hook from reinstatement. Restitution was added as an

element of sentencing by Pub.L. 104-132 effective 4/24/96, and has been declared *ex post facto* as to crimes committed before that date[3] in all Circuits, because they deem restitution to be a part of the sentence imposed and a criminal penalty, except the 7th and 10th Circuits, whose posture is that restitution is civil and not a part of the sentence. So yet again and for life the 7th Circuit causes Hook doubly to suffer for its egregious errors; perhaps, trebly: cf. *U.S. v. Bach*, 172 F.3d 520 (7th Cir. 1999), which states @523: "It would be different if the restitution order required the defendant to pay the victim's losses not to the victims but to the government for its own use and benefit. Then it would be a fine." Hook's restitution is payable to the PBGC, i.e. the government, even though in law and in fact it was not his victim.

CONCLUSION

In sum, Hook did not have the full and fair exposition of his defense in the federal proceedings which would have shown beyond any reasonable doubt that he was not guilty, actually innocent of all charges brought against him and of which he was convicted solely because of the egregious unfairness of the federal criminal proceedings, including the appeal. Hook detailed the numerous violations of due process, the Rule of Law, fair trial and fair appeal leading to his federal conviction even in the absence of federal crimes, invalidating his federal conviction as the basis for discipline by the Illinois Supreme Court. For his federal conviction to estop Hook from the benefits of his actual innocent and exemplary conduct as the sole basis for determining whether he should be sanctioned when such

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[3] Hook's alleged crimes occurred in 1992.

estoppel does not apply to those who are not attorneys violates Hook's federal constitutional rights to due process, equal protection and against bills of attainder. For the allegations of his criminal indictment to trump his actual conduct when the Illinois Supreme Court heretofore required sanction to be based solely on actual conduct likewise violates such constitutional protections. For Hook to be disbarred in circumstances where other attorneys are suspended for much lesser times than Hook has been suspended likewise violates such constitutional protections. Therefore, Hook calls upon the Supreme Court to grant this petition for writ and remedy by taking whatever steps the Court deems mete to restore his right to practice law.

WHEREFORE, the Supreme Court should grant issue of its Writ of Certiorari.

Respectfully Submitted,
George Clive Hook,
Member of the Supreme
Court Bar
Pro Se Petitioner

1201 Deerfield Parkway
Buffalo Grove, Illinois 60089
(847) 947-7975